

**MINUTES  
PLANNING COMMISSION  
116 WEST NEEDLES  
BIXBY, OKLAHOMA  
June 16, 2014 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

**STAFF PRESENT:**

Erik Enyart, AICP, City Planner  
Patrick Boulden, Esq., City Attorney

**OTHERS ATTENDING:**

See attached Sign-In Sheet

**CALL TO ORDER:**

Chair Thomas Holland called the meeting to order at 6:02 PM.

**ROLL CALL:**

Members Present: Larry Whiteley, Jerod Hicks, Lance Whisman, and Thomas Holland.  
Members Absent: Steve Sutton.

**CONSENT AGENDA:**

1. Approval of Minutes for the May 19, 2014 Regular Meeting

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Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the May 19, 2014 Regular Meeting as presented by Staff. Lance Whisman SECONDED the Motion. Roll was called:

**ROLL CALL:**

AYE: Holland, Whiteley, Hicks, and Whisman  
NAY: None.  
ABSTAIN: None.  
MOTION PASSED: 4:0:0

## PUBLIC HEARINGS

2. (Continued from 04/21/2014 and 05/19/2014)  
**PUD 84 – “Sheridan Cottages” – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for “Sheridan Cottages” for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property Located: 11909 and/or 11919 S. Sheridan Rd.
3. (Continued from 04/21/2014 and 05/19/2014)  
**BZ-373 – Haynes Reynolds for 118th & Sheridan, LLC.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District to RS-2 Residential Single Family District for approximately 8 acres in part of the SW/4 of the SW/4 of Section 35, T18N, R13E.  
Property located: 11909 and/or 11919 S. Sheridan Rd.

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Chair Thomas Holland introduced related Agenda Item #s 3 and 4 and confirmed with Erik Enyart that the Applicant had requested a Continuance to the next meeting.

Larry Whiteley made a MOTION to CONTINUE PUD 84 and BZ-373 to the July 21, 2014 Regular Meeting as requested by the Applicant. Lance Whisman SECONDED the Motion. Roll was called:

### ROLL CALL:

AYE:	Holland, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

4. **PUD 60 – Major Amendment # 1 “Riverside Group” – Matt Means of Landmark Constructive Solutions.** Public Hearing, discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 (“Riverside Group”) with underlying zoning OL Office Low Intensity District and AG Agricultural District.  
Property Located: Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E; 10422 E. 111<sup>th</sup> St. S.

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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

<b>To:</b>	<i>Bixby Planning Commission</i>
<b>From:</b>	<i>Erik Enyart, AICP, City Planner</i>
<b>Date:</b>	<i>Wednesday, June 11, 2014</i>
<b>RE:</b>	<i>Report and Recommendations for: <u>PUD 60 Major Amendment # 1 – “Riverside Group” – Matt Means of Landmark Constructive Solutions</u></i>

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LOCATION: – 10422 E. 111<sup>th</sup> St. S.

- Part of the W. 10 Ac. of the E. 20 Ac. of Government Lot 1, Section 31, T18N, R14E

SIZE: 9.87 acres, more or less  
EXISTING ZONING: OL Office Low Intensity District, AG Agricultural District, & PUD 60  
EXISTING USE: A house and vacant/wooded land  
REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 60 ("Riverside Group"), with underlying zoning OL Office Low Intensity District and AG Agricultural District

SURROUNDING ZONING AND LAND USE:

North: (Across 111<sup>th</sup> St. S.) CG & R-2; Vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the Evergreen Baptist Church on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111<sup>th</sup> St. S., "Bixby" per its website, [www.evergreenbc.org](http://www.evergreenbc.org)), all in the City of Broken Arrow.

South: RS-2; Single-family residential in Southwood East.

East: AG & RS-3; An agricultural/rural residential 10-acre tract and single-family residential in The Park at Southwood 3rd.

West: AG & CS; Unplatted vacant and rural residential tracts fronting along S. Mingo Rd., the Cedar Ridge Kingdom Hall of Jehovah's Witnesses at 11355 S. Mingo Rd., and the City's water tower.

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BBOA-38 – Kenny Gibson – Request for Special Exception to allow Use Unit 4 utility building (Bixby Telephone) in the AG District on a 75' X 75' tract from and within the northeast corner of the subject property – BOA Approved with Conditions 01/14/1985.

BL-98 – Kenny Gibson – Request for Lot-Split to separate a 75' X 75' tract from and within the northeast corner of the subject property for a utility building (Bixby Telephone) – PC Approved with Conditions 01/28/1985.

PUD 60 – Riverside Group – Randy Pickard – Request to rezone from AG to CS and OL and approve PUD 60 for a ministorage and office development for subject property – replaced by an amended application for PUD 60 and rezoning application BZ-337.

Zoning Code Text Amendment – Applicant in PUD 60 proposed to the City Council that it amend the Zoning Code to allow ministorage in OL and OM office zoning districts by Special Exception / PUD. City Council directed Staff to prepare amendment 10/22/2007. PC reviewed 12/17/2007, 01/21/2008, 01/28/2008, 02/11/2008, 02/18/2008, and 03/06/2008, and recommended Approval of specific amendment on 03/17/2008. City Council Approved amendment 04/14/2008 (Ord. # 994). PC recommended City Council make changes to amendment 05/19/2008 but City Council struck from agenda 07/14/2008 per City Attorney.

PUD 60 & BZ-337 – Riverside Group – Randy Pickard (Amended Application) – Request to rezone from AG to OL and AG and to approve an amended application for PUD 60 for a ministorage and office development for subject property – PC Continued from 12/17/2007 to 01/21/2008 to 02/18/2008 to 05/19/2008. On 05/19/2008, PC voted 3:2:0 on a Motion to recommend approval of OL zoning per BZ-337, and failed to pass a Motion to recommend Conditional Approval of PUD 60 (Amended Application) by 2:3:0 vote. PC chose not to take a subsequent vote on the possible denial recommendation, choosing instead to allow the case to be taken to the City Council absent a recommendation. City Council Conditionally Approved by 3:2:0 vote 06/23/2008 (Ord. # 1001). Additional Condition of Approval by City Council was "8ft wall, and stucco or masonry finish."

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property consists of the West 10 Acres of the East 20 Acres of Government Lot 1 (NW/4 NW/4) of Section 31, T18N, R14E, Less and Except a 75' X 75' tract from its northeast corner which belongs to BTC Broadband and contains a communications building. The subject property contains an old house and storage building toward its northwestern lot corner, and is otherwise vacant and wooded. The subject property is moderately sloped and, per PUD 60 Exhibit E, contains a ridgeline oriented north-south along the west side of the tract. Thus, it appears to drain primarily to the

east, but has a small amount of land that naturally drains west of the watershed (drainage divide) separating the Fry Creek Ditch # 1 and the Haikey Creek drainage basins.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land/Residential Area.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the existing AG district is In Accordance and the existing OL district May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since OL zoning was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Low Intensity designation of the Comprehensive Plan.

The Matrix does not indicate whether or not the existing OL or AG districts would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Per the Matrix, PUDs (as a zoning district) May Be Found In Accordance with the Low Intensity designation of the Comprehensive Plan Land Use Map. Since PUD 60 was approved by ordinance of the City Council, it has been recognized as being In Accordance with the Comprehensive Plan as a zoning district.

Therefore, Staff believes that the existing zoning and existing and proposed land uses per PUD 60 Major Amendment # 1 are consistent with the Comprehensive Plan.

General. The Applicant is requesting a Major Amendment to an approved PUD, to essentially allow for the relocation of Development Area C (1 of 2 office elements) to the north, closer to 111<sup>th</sup> St. S., and thus moving the Development Area B (ministorage element) further to the south, and would make certain other amendments. Alternatively stated (and as per the PUD amendment as written), the amendment would increase the size of Development Area (DA) A and remove DA C.

Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of 0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the “office” DA(s) must “donate” unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then “donate” the new available OL-zoned area to the “ministorage” DA.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same townhouse residential redevelopment, this review will, except as noted, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, please review the recommended Conditions of Approval as listed at the end of this report.

The Fire Marshal’s, City Engineer’s, and City Attorney’s review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held June 04, 2014. Minutes of that meeting are attached to this report.

Access & Circulation. The subject property has approximately 330’ of frontage on 111<sup>th</sup> St. S., and the site plan proposes two (2) driveway connections thereto. Mutual Access Easement (MAE) drives would provide a connection and legal access to the street for the “back” lots.

Plans for access can be further inferred from the site plans.

*A sidewalk is not presently shown on the Exhibit A site plan, but is required by the Subdivision Regulations. See related recommendations in this report.*

*Limits of No Access (LNA) should be required along 111<sup>th</sup> St. S. except for access point(s) as approved by the City Engineer and Fire Marshal.*

*Surrounding Zoning and Land Use.* *Surrounding zoning is a mixture of CG, CS, RS-2, R-2, RS-3, and AG. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.*

*Across 111<sup>th</sup> St. S. to the north is vacant/wooded land zoned R-2 and CG (perhaps pending residential development), and to the northeast, the Evergreen Baptist Church on a 40-acre campus at 6000 W. Florence St. in Broken Arrow (perhaps also addressed 10301 E. 111<sup>th</sup> St. S., “Bixby” per its website, [www.evergreenbc.org](http://www.evergreenbc.org)), all in the City of Broken Arrow.*

*To the south are single family houses zoned RS-2 in Southwood East.*

*Abutting to the east of the subject property is an agricultural/rural residential 10-acre tract, and single-family residential is further to the east in The Park at Southwood 3rd.*

*Finally, unplatted vacant and rural residential tracts fronting along S. Mingo Rd., abut to the west, and include the Cedar Ridge Kingdom Hall of Jehovah’s Witnesses at 11355 S. Mingo Rd. and the City’s water tower.*

*Staff believes that the existing underlying zoning, the original PUD 60 and its proposed Major Amendment # 1, and the proposed ministorage and office developments are all consistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.*

*Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:*

- 1. Whether the PUD is consistent with the comprehensive plan;*
- 2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;*
- 3. Whether the PUD is a unified treatment of the development possibilities of the project site; and*
- 4. Whether the PUD is consistent with the stated purposes and standards of this article.*

*Regarding the fourth item, the “standards” refer to the requirements for PUDs generally and, per Section 11-7I-2, the “purposes” include:*

*A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;*

*B. Permit flexibility within the development to best utilize the unique physical features of the particular site;*

*C. Provide and preserve meaningful open space; and*

*D. Achieve a continuity of function and design within the development.*

*Subject to meeting the recommendations below, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will be met in this application.*

*Staff Recommendation.* *For all the reasons outlined above, Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:*

- 1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item can be satisfied by adding provisions to the PUD Amendment Text such as follows:*

## **"STANDARD REQUIREMENTS**

The Standard Requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met as a condition of approval."

2. *Per the new Exhibit A, the PUD proposes a maximum floor area of 133,240 square feet, of office and ministorage buildings combined. Per the GLAs of DAs A, B, and C as provided in the Development Standards for the original PUD, there is 324,390 square feet (7.45 acres) of OL zoning in PUD 60, the balance of the property being zoned AG for the stormwater detention pond/Reserve Area A. Thus, the 133,240 square feet proposed would be an effective FAR of 0.41 for the total site. The maximum allowable FAR in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). Zoning Code Section 11-7I-5.A.2 provides that the AG-zoned portion of the subject property may not be used to allow for floor area for OL-zoning-dependent uses. Therefore, the total site must be reduced to not exceed 0.40 FAR, and the "office" DA(s) must "donate" unused floor area to the ministorage DA, since that is the one exceeding its proportionate share of OL zoning among the DAs. Alternatively, the Applicant may propose to rezone part of or the entire balance of the site to OL and then "donate" the new available OL-zoned area to the "ministorage" DA.*
3. *Amendment Text: Consider whether it would be more appropriate to relocate DAs B and C in relation to each other, rather than remove DA C and increase the size of DA A.*
4. *Amendment Text: Please provide replacement Development Standards pages reflecting the relocation or reconfiguration/removal of DAs as may be proposed (e.g. GLA, maximum FAR, FAR transfers between DAs, minimum setbacks, etc.).*
5. *Amendment Text: Please correct Development Standards for DA C to reflect that it is not permitted 0.50 FAR, as the 0.50 FAR restriction in Use Unit 16 was intended as and is an additional, "not-to-exceed" restriction which does not undermine the formula provided in Zoning Code Section 11-7I-5.A.2.*
6. *Amendment Text: Please add language referencing replacement Exhibits A and Exhibits B, B-1, B-2, B-3, B-4, and B-5 as being attached, and specifying the same replace their original counterparts.*
7. *PUD Exhibits: Please provide replacement Exhibits B, B-1, B-2, B-3, B-4, and B-5, along with legal descriptions for each DA.*
8. *Exhibit A: Please restore all critical features as represented on original Exhibit A, including all gates, fences, MAEs, and driveway pavement areas, along with all dimensions. Utility information may be omitted, as the same is represented on Exhibits E and F.*
9. *Exhibit A: Please restore the 50' MAE, 32'-wide MAE drive along the westerly side of the PUD as per the approved PUD 60, or please explain. If approved by the Fire Marshal to reduce these widths, a description of the change must be outlined in the PUD Amendment Text.*
10. *Exhibit A: Please add a note indicating that conceptual landscaping as shown for DA A is intended to replace that shown conceptually for the same area on Exhibit H.*
11. *Exhibit A: All required screening fences must be labeled "8ft wall, and stucco or masonry finish," as per the City Council's PUD 60 approval condition.*
12. *Exhibit A: Please label Mutual Access Easements where MAE drives are intended.*
13. *Exhibit A: Please represent and label as to width the sidewalk required along 111<sup>th</sup> St. S., or a note providing that a sidewalk will be constructed here as required by the Bixby Subdivision Regulations.*
14. *Exhibit A: Please add LNA along 111<sup>th</sup> St. S. except for locations as specified by the City and/or County Engineer and Fire Marshal, or a note providing that LNA will be added during the platting process as may be required by the proper authorities.*
15. *For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.*

16. *A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).*

Chair Thomas Holland recognized Applicant Matt Means. Mr. Means noted the plan was to redesign the site and make some buildings smaller.

Chair Thomas Holland recognized Kurt Preston of 9955 E. 114<sup>th</sup> St. S. and PO Box 471163, Tulsa, OK 74147-1163. Mr. Preston stated that he only happened to get his Public Notice when his neighbor gave it to him due to some issue with the U.S. Postal Service. Mr. Preston expressed concern for drainage, and complained about how *The Park at Southwood* subdivision was developed. Mr. Preston provided historic USGS quadrangle maps of the area.

Chair Thomas Holland invited Kurt Preston to the dais and they reviewed the case map and USGS maps to determine where Mr. Preston's property was in relation to the subject property.

Kurt Preston asserted that all of the water from the development would go through his property. Erik Enyart responded to a question from the Commissioners and Mr. Preston's statement and asserted that there was a ridgeline running north-south along the length of the subject property, which divided it into two (2) "watersheds." Mr. Preston and Mr. Enyart discussed the matter, and Mr. Enyart directed the Commissioners to the topographic map on page 72 of the Agenda Packet, and showed the same to Mr. Preston. Mr. Enyart noted that this may change, as the development would be subject to the City Engineer's review and approval of stormwater drainage and detention. Mr. Enyart stated that the Reserve Area planned on the south end of the subject property must be designed by the developer's engineer such that the developed conditions do not exceed the pre-developed runoff rate. Mr. Preston stated that the water tower to the west of the subject property established that this was high ground, and expressed objections to "past problems with [development] design."

Patrick Boulden stated that the Commission was considering the land use question, and not stormwater drainage. Mr. Boulden noted that the existing topographic [character of the land and any regarding,] stormwater detention, and Earth Change Permitting were all a separate process.

Kurt Preston discussed past developments in the area, historic neighborhood, City Council, and Planning Commission political relations, and the soil conditions of the area, which he described as "very fine; loves to erode."

Kurt Preston expressed concern that he did not receive the notice of the original case in 2008. After further discussion, Erik Enyart stated that the original PUD started in the middle of 2007, and took almost a year to be approved. Mr. Enyart stated that Public Notice was given in mid-2007, and there was a roomful of people who attended the first couple meetings, so they received the notice. Mr. Enyart stated that, after the first couple meetings, people stopped attending.

Kurt Preston further discussed concerns in the area. Chair Thomas Holland admonished Mr. Preston that stormwater and other outside concerns should be directed to the City Council, and to keep his comments to the land use question. Mr. Preston expressed doubt that his comments would do any good. Erik Enyart advised Mr. Preston that, if he had any "constructive input," such as his

comment about the soil being “very fine; loves to drain,” he should get that input to him to give to the City Engineer to inform his review of the development engineering plans.

Chair Thomas Holland recognized Richard Newman of 9907 E. 114<sup>th</sup> St. S. from the Sign-In Sheet. Mr. Newman stated that he and his wife moved into their house 32 years ago, and he still lived there. Mr. Newman asked about how the property would be accessed and where it would drain after development. Erik Enyart offered to Chair Thomas Holland to field these questions. Mr. Enyart showed Mr. Newman the proposed new site plan on Page 50 of the Agenda Packet and stated that the site would have two (2) points of access to 111<sup>th</sup> St. S. and that it would likely drain from the same locations as it drains naturally after development, but that the developed rate of flow could not exceed the pre-developed rates. Mr. Newman indicated he had attended the meeting(s) in 2007 and that he had thought the original PUD was turned down.

Matt Means stated that JR Donelson would do the drainage design, and that Mr. Donelson also did the drainage design for [*The Park at*] *Southwood* subdivision. Mr. Means stated that the south 2.4 acres Reserve Area would be for stormwater detention, and that it would drain to an inlet in [*The Park at*] *Southwood* subdivision. Mr. Means stated that he had been in construction for 11 years and would like to “finish out” this development. Mr. Means stated that, in his experience, the drainage after development is “better than before.” Mr. Means stated that the site drainage would be all contained with curb and guttering, and would be piped out [through the stormwater drainage and detention system].

Chair Thomas Holland recognized Janet Dyer of 12630 S. Mingo Rd. Ms. Dyer stated that she also owned the property at 11305 S. Mingo Rd. Ms. Dyer stated that she did not receive the Public Notice [by mail] when this property was first approved, or she would have attended at that time. Ms. Dyer complained that she “got a lot of water” when the [church abutting to the south] was put in, and that it now “wash[es] Mingo [Rd.] out.” Ms. Dyer stated that the land [on Mingo Rd.] had been terraced to flow slowly, but that there was “already too much from the church.” Ms. Dyer stated that she was “concerned for where the water’s going.” Ms. Dyer expressed concern for how the subject property’s drainage would be designed, and noted that the stormwater detention pond at “126<sup>th</sup> [St. S. and Mingo Rd.]” “doesn’t hold water,” and allows it to “shoot across the street.” Erik Enyart and the Commissioners explained to Ms. Dyer the engineering review and approval process for drainage. Ms. Dyer expressed objection that her questions were not answered and stated that she would attend all the future meetings until they were.

Chair Thomas Holland recognized James Ernst of 10404 E. 113<sup>th</sup> Pl. S. Mr. Ernst asked, if the zoning was approved “forever,” and Erik Enyart responded that it was. Mr. Enyart agreed with Mr. Holland to get Mr. Ernst’s contact information to the Neighborhood Coordinator.

Chair Thomas Holland recognized Carl Snow of 11227 S. Mingo Rd. Mr. Snow asked the Commissioners if they were [on the Planning Commission] when the [church to the south of his property on Mingo Rd.] was constructed, and the Commissioners indicated they were not. Mr. Snow complained about how the church property was designed when it was developed, and stated that its lighting was “overdone.” Mr. Snow expressed concern about the proposed development. Mr. Snow asserted that “thieves are attracted to ministorage,” and so there would be a “lot of light.” The Commissioners discussed with Mr. Snow his concerns about lighting. Erik Enyart stated that,



for most of the more modern commercial developments when abutting residential, the City asks for a photometric plan, which must demonstrate that the measured footcandles are reduced to zero (0) at all property lines shared with residential. The Commissioners indicated favor for this concept. Mr. Enyart stated that, if the Commissioners should recommend approval of this application, they may additionally recommend that the lighting provisions of the PUD Text be amended to incorporate this measurable lighting standard.

Discussion between Carl Snow, the Planning Commission, Erik Enyart, and others ensured for a time. Mr. Snow indicated that he had not received [the mailed Public Notice] when the PUD was originally approved. Kurt Preston expressed concern that there were several people at this meeting that [evidently] did not receive the Public Notice [by mail] in [2007 or 2008]. Mr. Snow expressed objection that the Planning Commission had the site plans but he only received a map in the mail. Erik Enyart noted that the entire agenda packet that the Commissioners had, including the site plans, was posted on the City's website, and had been since the week prior. Mr. Enyart gave instructions on how to get the agenda packet from the City's website, [www.bixby.com](http://www.bixby.com). Mr. Preston asked for confirmation on the website, and Patrick Boulden confirmed the website and stated that the City also maintained [www.bixbyok.gov](http://www.bixbyok.gov). Mr. Snow objected that the directions to the plans on the website were not included in the notice. Mr. Snow concluded his comments by stating, "We're against it."

Erik Enyart addressed Chair Thomas Holland and offered to respond to several comments which all expressed that they had not received the Public Notice when the subject property was originally approved for rezoning and PUD. Mr. Enyart stated that the PUD and rezoning was originally submitted in mid-2007, but the review process lasted almost a year, and was approved, along with an amendment to the Zoning Code allowing ministorage in Office zoning districts, in mid-2008. Mr. Enyart stated that, when the application was first received, he had an assistant who mailed the Public Notices, but that that position was lost after the Great Recession. Mr. Enyart stated that he had documentation in the original case file that showed that the City mailed the notices as required. Mr. Enyart stated that he personally posted the sign on the property in 2007, next to the *BTC* building, and had a photograph of it in the case file. Mr. Enyart stated that he had sent the Public Notice for publication in what was then called the *Bixby Bulletin* in 2007. Mr. Enyart stated that, in addition, he posted the agendas in the lobby in City Hall and had them posted online. Mr. Enyart stated that, during the first couple hearings, the meeting room was packed with people, so the notice certainly got out, but the Public Hearings were Continued from meeting to meeting, and the people stopped attending after the first couple meetings. Mr. Enyart summarized by month/year all the meetings at which the original zoning matters were heard from the Staff Report and his memory as follows: [September, 2007 application submitted], October 2007, November 2007, December 2007, January 2008, January 2008, February 2008, March 2008, March 2008, April 2008, May 2008, [May 2008, June 2008,] and June 2008. Mr. Enyart stated that, for this new application, he had personally mailed all the Public Notices that those in attendance had received, he had posted the sign on the property in the same location as it was in 2007, published it in the newspaper, etc. all again as it was done in 2007. Mr. Enyart stated that the plans were in the agenda packet he posted to the City's website, and there is a phone number in the Public Notice that people can use to call him to get this kind of information. Mr. Enyart addressed those in attendance and asked them to use the phone number included in the notices to call him if they had questions for any future cases.

Discussion ensued regarding the fence for the ministorage development element of the application. It was noted that the fence must be 8' in height for all areas where it is required, and must be finished with masonry. Someone in attendance expressed concern that the lighting would be allowed higher than the fences. Chair Thomas Holland and Erik Enyart described how the lighting must be shielded downward and cut off from abutting residential properties. The proposed new requirement of 0 footcandles at property lines in common with residential was discussed.

Matt Means stated that the ministorage would be fenced, have cameras, and would be a "secure facility."

There being no further discussion, Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of PUD 60 Major Amendment # 1 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff.

Jerod Hicks asked Larry Whiteley if his Motion included the recommendation regarding a lighting plan with footcandles.

Discussion ensued. It was noted that the development must be approved for Earth Change Permit for drainage.

Erik Enyart addressed Larry Whiteley and asked if he would be willing to Amend his Motion to include the recommendation on lighting, and Mr. Whiteley agreed. Mr. Enyart offered the following wording for this additional Condition of Approval: "The lighting provisions of the PUD Text shall be amended to additionally require that the measured footcandles not exceed 0.0 at all property boundaries shared with a residential property." Mr. Whiteley Amended his Motion to include this.

Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

Erik Enyart advised those in attendance that the City Council would consider approving this application as soon as Monday[, June 23, 2014]. Someone in attendance asked what the Planning Commission had just done, and Mr. Enyart and the Commissioners explained that they had held a Public Hearing and made a recommendation to the City Council, which had the final authority to approve the application. Someone in attendance expressed objection that the Public Notice did not state the City Council's meeting date. Mr. Enyart recommended to those in attendance that they check the City's website for the City Council agenda or call him using the phone number on the Public Notice if they wanted to confirm that the application would be on the upcoming Monday agenda or if it would be on a later one.

Most of those in attendance left at this time.

## PLATS

None – no action taken.

## OTHER BUSINESS

5. **BL-391 – Brian Guthrie for Stephen Jones.** Discussion and possible action to approve a Lot-Split for Lot 24, Block 26, *Midland Addition*.  
Property located: 8 N. Armstrong St.

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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

**To:** Bixby Planning Commission  
**From:** Erik Enyart, AICP, City Planner  
**Date:** Wednesday, June 11, 2014  
**RE:** Report and Recommendations for:  
BL-391 – Brian Guthrie for Stephen Jones

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LOCATION: – 8 N. Armstrong St.  
– Lot 24, Block 26, Midland Addition  
LOT SIZE: 3,125 square feet (0.07 acres, more or less)  
ZONING: CH Commercial High Intensity District  
SUPPLEMENTAL ZONING: Central Business District  
EXISTING USE: Downtown commercial storefront building  
REQUEST: Lot-Split approval  
COMPREHENSIVE PLAN: Development Sensitive + Commercial Area + Special District # 1  
PREVIOUS/RELATED CASES: None found  
BACKGROUND INFORMATION:

ANALYSIS:  
Subject Property Conditions. The subject property consists of Lot 24, Block 26, Midland Addition, and contains a downtown commercial storefront building addressed 8 N. Armstrong St. It is zoned CH Commercial High Intensity District and is located in the Central Business District overlay district. It is relatively flat and appears to drain to the west/southwest to Charley Young Park, which drains through the downtown drainage system installed a few years ago.

General. The Applicant also owns the adjoining Lot 23, Block 26 to the north, which contains another downtown commercial storefront building addressed 12 N. Armstrong St. That property/building is for sale, and the Applicant is seeking to reconcile property lines based on the surveyed location of common party wall,<sup>1</sup> which encroaches 1.5' onto the subject property, per the survey.

The proposed two (2) tracts would comply with the Zoning Code, which has no bulk and area requirements in the CH district. However, it would be preferable that the “sliver” tract be legally attached to the adopting lot, to ensure a 1.5'-wide tract does not become “forgotten” or otherwise conveyed separately at some point in time, absent further municipal review and approval.

The TAC did not object to the Lot-Split or provide any special recommendations at its regular meeting held June 04, 2014, after inquiring TAC members were informed that all of the utilities serving the buildings should be existing and located in street and/or alley rights-of-way.

Staff Recommendation. Staff recommends Approval, subject to resultant “sliver” tract being attached to the adopting lot by deed restriction language such as:

[INSERT THE LEGAL DESCRIPTION OF THE 1.5'-WIDE SLIVER TRACT].

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<sup>1</sup> Commonly known as a “demising wall.”

*The foregoing is restricted from being transferred or conveyed as described above without including:*

*[INSERT THE LEGAL DESCRIPTION OF THE ADOPTING LOT]*

*unless otherwise approved by the Bixby Planning Commission, or its successors, and/or the Bixby City Council as provided by applicable State Law,  
Or other language provided by the Applicant for this purpose subject to City Attorney approval.  
Deeding the sliver tract from the owner back to the owner can be done as an intermediate step, prior to selling the combined result to the buyer. Alternatively, the deed conveying both parts to the buyer may be prepared, which deed mutually restricts both parts from being sold one without the other.*

Erik Enyart noted that the CH district does not require it, so his recommendation to have the “sliver tract” legally attached to the adopting lot was to ensure that it was not inadvertently “lost” during some future conveyance, and as it was a more appropriate way of doing this thing.

Larry Whiteley made a MOTION to APPROVE BL-391. A Commissioner asked Mr. Whiteley if his Motion included the Staff’s recommendations. Erik Enyart stated that he had sent the Staff Report to the Applicant but had not confirmed with him is willingness to have the “sliver tract” combined with the adopting lot. Mr. Enyart asked Brian Guthrie if he had any objection to this. Mr. Guthrie stated that he had not read the recommendation but considered it appropriate, and stated “I’m okay [with it].”

Chair Thomas Holland recognized Ross Hoyle of 7136 S. Yale Ave, Ste. 100, Tulsa, from the Sign-In Sheet. Mr. Hoyle had no further comments.

Larry Whiteley Amended his Motion as follows: MOTION to APPROVE BL-391 as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Hicks, and Whisman
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:24 PM.

APPROVED BY:

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Chair

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Date

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City Planner/Recording Secretary